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7 CONSULTING FIDUCIARIES, INC.

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11

12 HILDA L. SOLIS,  
Secretary of the United States  
13 Department of Labor,

14 Plaintiff,

15 v.

16 DENNIS WEBB, MATTHEW FIDIAM, J.  
ROBERT GALLUCCI, CONSULTING  
17 FIDUCIARIES, INC., and THE PARROT  
CELLULAR EMPLOYEE STOCK  
18 OWNERSHIP PLAN,

19 Defendants.

Case No.: C 12-2055 EMC

**STIPULATED REQUEST AND  
[PROPOSED] ORDER CONTINUING  
CASE MANAGEMENT CONFERENCE  
AND HEARING DATES ON PENDING  
MOTIONS DUE TO JUDGE LaPORTE'S  
CONTINUANCE OF THE PREVIOUSLY-  
SCHEDULED SETTLEMENT  
CONFERENCE**

Date: March 14, 2013  
Time: 10:30 a.m.  
Courtroom: 5

20  
21 **STIPULATION**

22 WHEREAS, on November 15, 2012, this Court entered a Scheduling Order following the  
23 initial Case Management Conference in this action ordering the parties to complete either a private  
24 mediation or settlement conference with a magistrate judge within 120 days of the Order. *See* Dkt.  
25 # 72;

26 WHEREAS, in the same Scheduling Order, this Court set a further Case Management  
27 Conference for March 14, 2013 at 10:30 a.m. *Id.*;

28 WHEREAS, on November 29, 2012, this Court referred this matter to U.S. Magistrate

1 Judge LaPorte for a settlement conference and ordered the parties to complete the settlement  
2 conference within 120 days of the date of the referral. *See* Dkt. # 78.

3 WHEREAS, Magistrate Judge LaPorte set a settlement conference in the matter for  
4 February 27, 2013. *See* Dkt. # 85;

5 WHEREAS, the settlement of the action at the settlement conference would moot the need  
6 for the hearings on the Secretary's Motions to Strike the Defendants' Affirmative Defenses [Dkt.  
7 ## 49, 74, 76] and on Defendants Fidiam's, Gallucci's, and the ESOP's Motion to Correct Order  
8 [Dkt. # 66] (collectively, "the Motions"). Hence, the parties submitted a stipulation and proposed  
9 order seeking to continue the hearings on those matters from January 17, 2013 to a date after the  
10 February 27, 2013 settlement conference with Magistrate Judge LaPorte. *See* Dkt. # 86;

11 WHEREAS, the Court granted the parties' request and continued the hearings on the  
12 motions to April 4, 2013. *See* Dkt. No. 87;

13 WHEREAS, on February 11, 2013, Magistrate Judge LaPorte continued the settlement  
14 conference *sua sponte* from February 27, 2013 to June 21, 2013. *See* Dkt. # 88;

15 WHEREAS, Defendant Webb is unable to attend the settlement conference on June 21,  
16 2013 and intends to request that the June 21, 2013 date be changed;

17 WHEREAS, a settlement of the case at the settlement conference with Magistrate Judge  
18 LaPorte would moot the need for hearings on the Motions; and

19 WHEREAS, the parties still wish to conserve the Court's and their time and resources by  
20 continuing the hearings on the Motions until a date after the settlement conference.

21 WHEREFORE, the parties stipulate as follows and request that the Court enter an order  
22 approving this request:

23 1. The April 4, 2013 hearings on the Secretary's Motions to Strike the Defendants'  
24 Affirmative Defenses [Dkt. ## 49, 74, 76] shall be continued to July 25, 2013 at 1:30 p.m., or such  
25 other time as convenient for the Court;

26 2. Likewise, the April 4, 2013 hearing on Defendants Fidiam's, Gallucci's, and the  
27 ESOP's Motion to Correct Order [Dkt. # 66] shall be continued to July 25, 2013 at 1:30 p.m., or  
28 such other time as convenient for the Court;

3. The Further Case Management Conference shall be continued from March 14, 2013 to July 25, 2013 and follow the hearings on the above-described Motions;

4. The parties shall file a Further Case Management Conference statement on or before July 18, 2013; and

5. The time for completing the settlement conference stated in the Court's November 29, 2012 Order [Dkt. # 78] shall be extended to June 22, 2013, the day after the presently-scheduled settlement conference with Magistrate Judge LaPorte , or the date following any such settlement conference as continued by Magistrate Judge LaPorte due to the unavailability of Defendant Webb on June 21, 2013.

Date: February 28, 2013

PLAN BENEFITS SECURITY DIVISION  
OFFICE OF THE SOLICITOR  
U.S. DEPARTMENT OF LABOR

By: /S/ Glenn M. Loos  
GLENN M. LOOS  
ERIC C. LUND  
Attorneys for Plaintiff  
HILDA L. SOLIS  
Secretary of the United States Department of Labor

Date: February 28, 2013

BAKER & McKENZIE LLP

By: /S/ James P. Baker  
JAMES P. BAKER  
Attorneys for Defendant  
MATHIEU FIDIAM, J. ROBERT GALLUCCI, AND  
THE ESOP

Date: February 28, 2013

TRUCKER HUSS

By: /S/ R. Bradford Huss  
R. BRADFORD HUSS  
VIRGINIA PERKINS  
Attorneys for Defendant  
DENNIS WEBB

**SIGNATURES CONTINUED ON NEXT PAGE**

1 Date: February 28, 2013

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

2  
3 By: /S/ Donald P. Sullivan  
4 RALPH W. ROBINSON  
5 DONALD P. SULLIVAN  
6 Attorneys for Defendant  
7 CONSULTING FIDUCIARIES, INC.

8  
9  
10 **~~PROPOSED~~ ORDER**

Based on the parties' above-stated representations, and for good cause shown, it is hereby  
ordered:

11 1. The April 4, 2013 hearings on the Secretary's Motions to Strike the Defendants'  
12 Affirmative Defenses [Dkt. ## 49, 74, 76] and on Fidiam's, Gallucci's, and the ESOP's Motion to  
13 Correct Order [Dkt. # 66] shall be continued to July 25, 2013 at 1:30 p.m.

14 2. The Further Case Management Conference set for March 14, 2013 shall be  
continued to July 25, 2013 and follow the hearings on the above-described Motions;

15 3. The parties shall file a Further Case Management Conference statement on or  
16 before July 18, 2013; and

17 4. The parties shall complete the settlement conference in this matter on or before June  
18 22, 2013 or as soon thereafter as Magistrate Judge LaPorte may reschedule the settlement  
19 conference due to the unavailability of Defendant Webb on June 21, 2013.

20  
21 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

22 3/4/13  
23 Date: \_\_\_\_\_

